

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 03-00486 DAE
)	
Plaintiff,)	DECLARATION OF COUNSEL
)	
vs.)	
)	
ROY ROOSEVELT RYDER, JR.,)	
)	
)	
Defendant.)	
_____)	

DECLARATION OF COUNSEL

I, PETER C. WOLFF, JR., hereby declare as follows:

1. I am counsel of record for the defendant, ROY ROOSEVELT RYDER, JR., having been appointed pursuant to the Criminal Justice Act. I replaced Michael A. Weight, Esq., as Mr. Ryder's defense counsel after Mr. Weight retired at the end of 2005

2. Mr. Ryder's sentencing is scheduled for February 13, 2006, at 1:30 p.m. before the Honorable David Alan Ezra, United States District Judge.

3. Today I received a letter from Mr. Ryder, which is attached hereto as Exhibit A, asserting, among other things, that Mr. Ryder has received ineffective assistance of counsel. As stated above, Mr. Ryder's prior counsel was now-retired Assistant Federal Public Defender Michael Weight.

4. In view of the allegations made by Mr. Ryder, it is my judgment that undersigned counsel cannot continue to represent Mr. Ryder. Mr. Ryder has instructed that a motion to withdraw his guilty plea be filed on his behalf. Yet substantively, the basis for his instruction is that he received ineffective assistance from Mr. Weight.

5. It is untenable for the Office of the Federal Public Defender to attempt both to follow Mr. Ryder's instruction and to defend itself against the claim that we provided ineffective assistance of counsel to him.

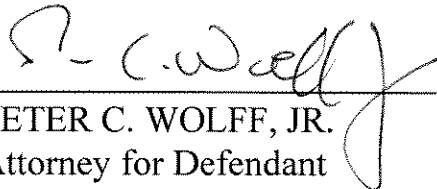
6. In view of the foregoing, it is my judgment that our office must withdraw from the representation of Mr. Ryder and that new counsel should be appointed from the CJA panel to represent him since Mr. Ryder's indigency status has not changed.

7. Attached hereto as Exhibit B is a copy of the transcript of the change of plea in this matter.

8. The facts and statements set forth in the foregoing document are true and correct to the best of my knowledge and belief.

I DECLARE UNDER PENALTY OF PERJURY THAT THE
FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY
KNOWLEDGE AND BELIEF.

DATED: Honolulu, Hawaii, February 10, 2006.



PETER C. WOLFF, JR.
Attorney for Defendant
ROY ROOSEVELT RYDER, JR.